

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ABCDE OPERATING, LLC, A Limited
Liability Company, Doing Business As
THE PENTHOUSE CLUB,

Plaintiff

Case No: 2:09-CV-14969
HON. GEORGE CARAM STEEH

-vs-

THE CITY OF DETROIT, A Municipal
Corporation, KARLA HENDERSON,
Individually and in Her Official Capacity
As Director of the DEPARTMENT OF
BUILDING & SAFETY ENGINEERING,
A Municipal Agency, and JANICE M.
WINFREY, Clerk of THE CITY OF
DETROIT, in her Official Capacity,

**ORDER REGARDING SUBMISSION
OF APPROVAL**

Defendants.

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**ORDER REGARDING SUBMISSION OF APPROVAL TO MICHIGAN LIQUOR
CONTROL COMMISSION PURSUANT TO MCL § 436.1916(10)**

The Court having concluded and declared that the Plaintiff was entitled to the approval of the Detroit City Council and the Chief of Police on its Petition 1313 requesting the transfer of Entertainment and Topless Activity Permits on November 20, 2009, but that there may now exist conditions which would

constitute adequate and sufficient grounds for disapproval of the Petition, and the Court being advised in the premises,

IT IS ORDERED that upon the filing of an Affidavit by Plaintiff's Counsel affirmatively demonstrating that the claimed violation of the City's Sign Ordinance constituting adequate and sufficient grounds for disapproval of the Petition has been remedied by removal of the claimed violating sign or replacement by a sign not exceeding 319 square feet in area, this Order may be transmitted to the Michigan Liquor Control Commission.

IT IS FURTHER ORDERED that upon transmission to and receipt by the MLCC, this Order shall constitute the *approval of the local legislative body* within the meaning of MCL § 436.1916(10)(b) and shall constitute the approval of *the chief law enforcement officer of the jurisdiction within which the premises are located* within the meaning of MCL § 436.1916(10)(c). Upon the receipt of this Order by MLCC, Count 4 shall be dismissed with prejudice and without costs.

Dated: January 21, 2010

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

Approved as to form:

s/Timothy Patrick Murphy
Attorney for Plaintiff

s/Eric B. Gaabo
Senior Assistant Corporation Counsel
Attorney for Defendants